

Hercules Exploration Project

Decision Record

DOI-BLM-NV-C020-2014-0033-EA

December 2014



Introduction

Bonaventure Nevada Inc. (BVT) has submitted to the Bureau of Land Management (BLM), Sierra Front Field Office a draft Plan of Operations (Plan) for exploration activities. The Hercules Exploration Project (Project) would consist of exploration drilling from 167 constructed drill sites and trenching at 25 sites, to be accessed by existing and proposed constructed roads. These exploration activities would be a continuation of Notice-level (N-89713) exploration that BVT has been conducting in the Project area of the past three years. BVT has completed approximately 4.6 acres of Notice-level exploration, and once the Plan is approved an additional 18.02 acres of disturbance would occur over a two-year period. Upon the completion of exploration activities, reclamation would be completed.

Public Involvement

The *Hercules Exploration Project Final Environmental Assessment* (EA) (DOI-BLM-NV-C020-2014-0033-EA) had been made available for public review from November 10 until November 24, 2014. A letter was sent to individuals on the Project mailing list and this Project was posted in ePlanning (a “NEPA Register”). The BLM received one comment email from the Nevada State Clearinghouse concerning Project design and visual impacts.

Land Use Conformance

The Proposed Action is in conformance with the BLM Carson City District Consolidated Resource Management Plan pages MIN-1, MIN-5, and MIN-6 as follows:

- “Encourage development of energy and mineral resources in a timely manner to meet national, regional and local needs consistent with the objectives for other public land uses.”
- “Continue to provide mineral material commodities to the using public...”
- “Pursuant to the mining laws, BLM lands are available for mineral entry, location, exploration, and operations which will not cause undue or unnecessary degradation of the public lands.”

Authority

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976.

Mitigation Measures

The following measures will be implemented by BVT to minimize or reduce potential impacts from the Project:

Air Quality

- Emissions of fugitive dust from disturbed surfaces will be minimized by utilizing appropriate control measures. Surface application of water from a water truck and reduced speed limits on dirt access roads are the current methods of dust control.

Cultural Resources

- Pursuant to 43 CFR 10.4(g), BVT will notify the BLM authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4 (c) and (d), the operator will immediately stop all activities in the vicinity of the discovery and not commence again for a maximum of 30 days or when notified to proceed by the BLM authorized officer.
- BVT will not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building, or object. If BVT discovers any cultural resource that might be altered or destroyed by operations, the discovery will be left intact and reported to the authorized BLM officer.
- In order to prevent impacts to cultural resources, BVT will avoid eligible or unevaluated cultural sites within the Project Area. BVT will ensure that eligible or unevaluated cultural sites within the Project Area are mapped and flagged by a qualified cultural resource specialist with a global positioning system (GPS) unit prior to surface disturbance.

Erosion and Sediment Control

- Reseeding will be consistent with all BLM recommendations for seed mix constituents, application rate, and seeding methods.
- Final reclamation of constructed roads, sumps, and drill pads will consist of fully recontouring disturbances to their original grade and reseeded in the fall season immediately following completion of exploration activities.
- Drill pads and sumps will be reclaimed as soon as practicable after completion of data logging and sampling.

Fire Management

- All applicable state and federal fire laws and regulations will be complied with and all reasonable measures will be taken to prevent and suppress fires in the Project Area.
- In the event that the Project should start a fire, BVT will be responsible for all the costs associated with the suppression. The following precautionary measures will be taken to prevent and report wildland fires.
- All vehicles will carry fire extinguishers and a minimum of ten gallons of water.
- Adequate firefighting equipment (i.e., shovel, Pulaski, extinguishers) and a minimum ten gallons of water will be kept at each drill site.
- Vehicle catalytic converters will be inspected often and cleaned of brush and grass debris.
- BVT will conduct welding operations in an area free from or mostly free from vegetation.
- A minimum of ten gallons of water and a shovel will be on hand to extinguish any fires created from the sparks. Extra personnel will be at the welding site to watch for fires created by welding sparks.
- BVT will report wildland fires immediately to the BLM Sierra Front Interagency Dispatch Center (Minden) at 775 882-9187.
- When conducting operations during the months between May and November, BVT will contact the BLM, Sierra Front Interagency Dispatch Center (Minden) at 775 882-9187 to inquire about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates for the activities.

Hazardous or Solid Wastes

- Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse will be dumped from any trailer or vehicle.
- Only nontoxic fluids will be used in the drilling process.
- Regulated wastes will be removed from the Project Area and disposed of in a State, federal, or local designated area.
- If a spill of a petroleum constituent is considered to meet the reportable quantity per NDEP guidelines (greater than 25 gallons or greater than three cubic yards of impacted material, or any quantity if a water body is impacted), or a reportable quantity for hazardous waste is released based on the Federal Environmental Protection Agency guidelines established under Title III List of Lists (40 CFR Part 302), NDEP will be notified within 24 hours, and the appropriate remedial actions and confirmation sampling will be conducted under direction of NDEP.

Migratory Birds

- In order to avoid potential impacts to breeding migratory birds, a nest survey will be conducted by a BLM approved biologist prior to any surface disturbance associated with exploration activities during the avian breeding season (March 1 through August 31 for raptors and April 1 through July 31 for other avian species). Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within fourteen days of the survey, another survey will be needed. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) will be delineated after consultation with the BLM resource specialist and the buffer area avoided to prevent destruction or disturbance to nests or birds until they are no longer actively breeding or rearing young.
- The site characteristics to be used to determine the size of the buffer area are as follows:
 - a) topographic screening;
 - b) distance from disturbance to nest;
 - c) the size and quality of foraging habitat surrounding the nest;
 - d) sensitivity of the species to nest disturbances; and
 - e) the protection status of the species.

Noxious Weeds, Invasive and Nonnative Species

- Noxious weeds will be controlled through implementation of preventative BMPs and eradication measures if noxious weeds are found.
- To eliminate the transport of vehicle-borne noxious weed seeds, roots, or rhizomes, all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities, for emergency fire suppression, or for authorized off-road driving within the Project Area, will be free of soil and debris capable of transporting weed. All such vehicles and equipment will be cleaned with high power or high pressure equipment prior to entering the Project Area. Vehicles and equipment will not drive through known populations of noxious weeds or invasive species following the vehicle washing and prior to entering the Project Area. Vehicles used for emergency

fire suppression will be cleaned as part of check-in and demobilization procedures. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axles, frames, cross members, motor mounts, on and underneath the steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles.

Paleontological Resources

- BVT will not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits. If BVT discovers any paleontological resource that might be altered or destroyed by operations, the discovery will be left intact and reported to the authorized BLM officer.

Public Safety

- Public safety will be maintained throughout the life of the Project. All equipment and other facilities will be maintained in a safe and orderly manner.
- All sumps and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock will be adequately fenced to preclude access to them. Activities will
- be restricted to frozen or dry ground conditions where feasible. Operations will be curtailed when saturated and soft soil conditions exist.
- In the event that any existing roads are severely damaged as a result of BVT activities, BVT will return them to their original condition.

Survey Monuments

- Any survey monuments, witness corners, or reference monuments will be protected to the extent economically and technically feasible.
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Water Quality

- All drill holes will be surveyed and plugged as an operational procedure immediately after completion of drilling in accordance with NAC Chapters 534.4369 and 534.4371. Four drill holes will be collared with a reverse circulation drill rig and completed using a core rig. Once the core rig has completed drilling, the holes will be plugged. Remaining drill holes will be plugged by placing drill cuttings or inorganic fill material into the total depth of the hole, or if ground water was encountered, plugged as a well pursuant to NAC 534.420.
- BVT will follow the Spill Contingency Plan in Appendix D.
- Drill cuttings and fluids will be contained on site utilizing appropriate control measures.
- Sediment traps will be used as necessary and filled at the end of the drill program.

Proposed Listing

On October 28, 2013, the U.S. Fish and Wildlife Service (FWS) issued proposed rules in the Federal Register (46889, Vol. 78 No. 208) for the proposed listing of the Bi-State sage-grouse as threatened, and designation of proposed critical habitat (PCH) (46862 Vol. 78 No. 208). Approximately 1,877 acres (84 percent) of the Project area is within proposed critical habitat (Figure 3 of the final EA). A final determination of acres of PCH within the Project area would not occur until the FWS issues final listing decisions on the Bi-State sage-grouse as a threatened species, and designation of critical habitat. Per Nevada IM No. NV 2014-008 "Conferencing

with U.S. Fish and Wildlife Service on Activities Potentially Affecting Species and Their Habitats Proposed for Federal Listing” the BLM has coordinated with the FWS on this Project.

There would be “no effect” on the Bi-State sage-grouse because the sage-grouse is not present in the four target areas where proposed exploration activities would occur. The target areas are considered unoccupied because of the lack of telemetry data documenting occurrence and because the target areas are outside the general travel corridor used by sage-grouse in the Pine Nut Mountains. The Project is “not likely to adversely affect” proposed critical habitat because of the extremely small amount of proposed critical habitat that would be disturbed (0.005% of the total proposed critical habitat in the Pine Nut Unit). The effects of this amount of disturbance would be insignificant. Therefore no formal conferencing with FWS was required. New sage-grouse telemetry data over the life of the Project may result in Project modification (i.e. seasonal restriction, timing restriction, et cetera).

Rationale


Under the No Action Alternative, BVT would continue Notice-level exploration for up to a total of five acres at a time. This Alternative would not meet the Project purpose and need and BVT’s request to significantly expand exploration activities.

Under the Proposed Action the purpose and need would be met and BVT’s exploration activities would be expanded to better understand and define potential mineral resources in the Project area. These activities are consistent with the BLM’s multiple-use mandate under FLPMA.

Decision

As a result in the analysis contained in the Final EA, it is my Decision to approve the Hercules Exploration Project along with the mitigation measures described above.

ACTING
FOR



Leon Thomas
Field Manager
Sierra Front Field Office

12-10-2014
date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas
Field Manager
BLM, Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.